

**KAUA'I PLANNING COMMISSION
REGULAR MEETING
June 9, 2015**

The regular meeting of the Planning Commission of the County of Kaua'i was called to order by Chair Anderson at 8:58 a.m., at the Lihu'e Civic Center, Mo'ikeha Building, in meeting room 2A-2B. The following Commissioners were present:

Chair Angela Anderson
Vice Chair Sean Mahoney
Mr. Louis Abrams
Ms. Amy Mendonca

Absent and Excused:
Mr. Wayne Katayama
Mr. Kimo Keawe

The following staff members were present: Planning Department – Kaaina Hull, Leslie Takasaki, Jody Galinato, Duke Nakamatsu; Deputy County Attorney Jodi Higuchi-Sayegusa, Deputy County Attorney Ian Jung

Discussion of the meeting, in effect, ensued:

CALL TO ORDER

Chair Anderson called the meeting to order at 8:58 a.m.

ROLL CALL

Deputy Director Hull: Madam Chair, roll call. Madam Chair, we have four (4) Commissioners present. We have a quorum.

Chair Anderson: Thank you.

APPROVAL OF THE AGENDA

Chair Anderson: And approval of the agenda.

Mr. Hull: Prior to that Madam Chair, we have...the Department has one amendment to recommend which requires a two-thirds vote of the Commission to adopt an amendment to the agenda. Concerning the Subdivision...or concerning the Committee Reports, the Department

would recommend that the agenda reflect Subdivision reports are for discussion during the Committee Reports portion of the agenda.

Chair Anderson: Okay. And also for efficiency, if we can move the Subdivision Committee Report, if we have a motion, to come right after F; I would suggest that as well.

Mr. Hull: The Department has no objections to that.

Chair Anderson: Do I have a motion to amend?

Mr. Mahoney: Move to amend.

Mr. Abrams: Second.

Chair Anderson: Any discussion? (None) All those in favor? (Unanimous voice vote) Any opposed? (None) Okay, motion carries 4:0.

MINUTES of the meeting(s) of the Planning Commission

Mr. Hull: Concerning the receipt of items for the record; not on the agenda, but for the record. Oh sorry, excuse me. The next item is for the minutes of the Planning Commission.

Chair Anderson: Okay, we have the minutes for May 12, 2015. Do I have a motion to accept the minutes?

Ms. Mendonca: So moved.

Mr. Mahoney: Second.

Chair Anderson: All those in favor? (Unanimous voice vote) Any opposed? (None) Motion carries 4:0.

RECEIPT OF ITEMS FOR THE RECORD

Mr. Hull: To go back, the receipt of items for the record. The Commission has received, dated June 8, 2015, a testimony concerning Class IV Zoning Permit Z-IV-2015-20 from Dominic Beralas in support of the application.

Chair Anderson: Thank you. Do I have a motion to receive?

Mr. Mahoney: Move to receive.

Ms. Mendonca: Second.

Chair Anderson: All those in favor? (Unanimous voice vote) Any opposed? (None) Okay, motion carries 4:0.

HEARINGS AND PUBLIC COMMENT

Mr. Hull: Agenda Item F, Hearings and Public Comment. The public is afforded the opportunity to testify at this time on agenda items during the Agency Hearing that are upcoming.

Continued Agency Hearing (None)

New Agency Hearing

Class IV Zoning Permit Z-IV-2015-17, Use Permit U-2015-16 and Variance Permit V-2015-3 for the installation and to deviate from the height requirements for 12 antennas and associated improvements situated atop the Waialeale Wing of the Kaua'i Marriott Resort facility in Nāwiliwili, further identified as 3610 Rice Street, Tax Map Key (4) 3-5-002: 002, and affecting a parcel approx. 32.79 acres in size = Verizon Wireless. POSTPONED.

Class IV Zoning Permit Z-IV-2015-18, Use Permit U-2015-17 and Variance Permit V-2015-4 to allow installation and height variance for a 70 ft. high stealth monopine tower and associated equipment on a parcel situated in Hanamā'ulu, along the mauka side of Kūhiō Highway and approx. 900 ft. north of the Laukōna Street/Kūhiō Highway intersection, further identified as Tax Map Key (4) 3-8-002: 001, and affecting a 2,500 sq. ft. portion of a larger parcel approx. 1, 114.913 acres in size = Verizon Wireless. POSTPONED.

Class IV Zoning Permit Z-IV-2015-19 and Use Permit U-2015-18 to construct two (2) portable classroom buildings on the Kōloa Elementary School campus, further identified as 3223 Po'ipū Road, Tax Map Key (4) 2-8-010: 011, and affecting a portion of a larger parcel approx. 7.84 acres in size = State of Hawai'i, Department of Education.

Class IV Zoning Permit Z-IV-2015-20 and Use Permit U-2015-19 to facilitate relocation of an existing portable classroom building from an offsite location and allow its installation on the Kekaha Elementary School campus, further identified as 8140 Kekaha Road, Tax Map Key (4) 1-3-002: 001, and affecting a portion of a larger parcel approx. 7.2 acres in size = State of Hawai'i, Department of Education.

Mr. Hull: There are four (4) Agency Hearings up for review. Two (2) of them, the first two (2), have been actually postponed due to the applicant's failure to comply with the public notification requirements. They are both telecommunication applications. If there's anybody in the audience that would like to testify on those items, they can now.

Chair Anderson: Okay. So a call for public testimony on the New Agency Hearings. We have...if there's anyone here that would like to give testimony.

Jonathan Chun: Good morning. Jonathan Chun. Is...are we just limiting testimony right now to the Agency Hearings matters for Items F.2., or all other items on the agenda?

Chair Anderson: This is for Items F.2.

Mr. Chun: Okay, thank you. So later on we'll be taking comment on the other items on the agenda?

Chair Anderson: Yes.

Okay, anyone in the public would like to give testimony on Item F.2.? Seeing none. As was mentioned, the items F.2.a. and F.2.b. are postponed until I believe it's the Planning Commission hearing on July 28th.

Mr. Hull: Correct.

Deputy County Attorney Ian Jung: For Items F.2.a. and b, they are postponed, so there's no need for any motion on that.

You would need a...if the Commission wanted to entertain a motion to close the hearings on...since there's no testimony on F.2.c. and d, you can entertain a motion to that effect now.

Chair Anderson: Okay.

Mr. Jung: I mean, this is just to close the Agency Hearing.

Mr. Mahoney: Move to close the Agency Hearing.

Ms. Mendonca: Second.

Chair Anderson: Okay. Discussion?

Just want to clarify that that is the Agency Hearing on F.2.c. and F.2.d., permits relating to the State of Hawai'i Department of Education permits.

Okay. Any further discussion? (None) All right, all those in favor? (Unanimous voice vote) Any opposed? (None) Okay, Agency Hearing's closed, motion carries 4:0.

Continued Public Hearing (None)

Mr. Hull: There are no Continued Public Hearings.

New Public Hearing (None)

Mr. Hull: There are no New Public Hearings.

All remaining public testimony pursuant to HRS 92 (Sunshine Law)

Mr. Hull: The next item on the agenda is Consent Calendar. There are...oh, forgive me. All remaining public testimony pursuant to HRS 92 for Sunshine Law are afforded this opportunity at this time.

Chair Anderson: Okay and just to clarify, this is...if there is anyone here that would like to give testimony on any item on the agenda, this is the time that you may do so. You may also reserve your time at the time that the matter is brought up before the applicant...with the applicant.

Mr. Chun: Good Morning. Jonathan Chun on behalf of some of the applicants listed in the G.2. Consent Calendar. Looking over the G.2. and the proposed report, on behalf of my clients I'd like to say that there seems to be substantial conflicts or questions of facts regarding G.2.a. Mohala Ke Ola Management, LLC; G.2.b. Michael Levy & Alexis Boilini Trust; G.2.c. regarding Parnell H. & Michelle I. Kaiser; G.2.g. William I. & Catherine F. Cower; G.2.h. Steven V. Ruddell & Marlyn W. Ruddell, Trust; G.2.i. Susan Gailey Trust & Kim E. Richard Trust; G.2.j. John R. & Lorna E. Hoff, Trust. And based upon those, I'd like to inform the Commission that there seems to be a likelihood of a Contested Case on those matters. Thank you.

Chair Anderson: Thank you. Is there anyone else in the public who will like to give testimony on any agenda item at this time?

Okay, seeing none. We'll move on to the next agenda item.

COMMITTEE REPORTS

Mr. Hull: Consent Calendar. There are currently twelve (12) items for Planning Commission consent to receive for the record. Oh okay, so next item up will be K, which would be Committee Reports Subdivision.

Mr. Mahoney: Okay. Kaua'i Planning Commission Subdivision Committee Meeting, Tuesday, June 9, 2015. Honorable Chair and members of the Planning Commission, the Subdivision Committee reports the following recommendations for items listed below: tentative subdivision action S-2015-15; Waioli Surf Shack Holdings, LLC; TMK: (4) 5-5-005:011 & 012 approved; vote 3:0. B, Guerber Family Trust & Kaua'i Brewers, LLC; TMK: (4) 3-6-009:034 & 035 approved 3:0. Final subdivision action S-2013-04; Kukui'ula Development (Hawai'i) LLC; TMK: (4) 2-6-015:014 approved 3:0. State of Hawai'i; S-2014-17; TMK: (4) 3-6-005:011 approved 3:0.

Chair Anderson: Thank you.

Mr. Mahoney: Thank you, Madam Chair.

Chair Anderson: Do I have a motion to approve the Subdivision Committee Report?

Ms. Mendonca: Move to approve.

Chair Anderson: Okay.

Mr. Abrams: Second.

Chair Anderson: Any discussion? (None) All those in favor? (Unanimous voice vote) Any opposed? (None) Okay, motion carries 4:0.

EXECUTIVE SESSION (None)

Mr. Hull: Next agenda item will be Agenda Item H. There's no Executive Session apparently scheduled.

GENERAL BUSINESS MATTERS

Petition for a Declaratory Order by *Dolphin House Estates LLC* Concerning the Operation of a Transient Vacation Rental Without a Non-Conforming Use Certificate (TMK 5-2-004: 064: 0003) filed on 6/2/15 (Contested Case No. 2015-12).

Mr. Hull: The next item is General Business Matters, which is a petition for a Declaratory Order by Dolphin House Estates LLC concerning operation of a Transient Vacation Rental without a Non-Conforming Use Certificate, TMK 5-2-004: 064: 0003, filed on June 2, 2015, Contested Case No. 2015-12.

For this agenda item, I think we're waiting for the information from the County Attorney's office. Either the Department would recommend taking a brief recess or tabling the item for an additional report.

Forgive me. We skipped Agenda Item G.

CONSENT CALENDAR

Status Reports (None)

Director's Report(s) for Project(s) Scheduled for Agency Hearing on 6/23/15.

Class IV Zoning Permit Z-IV-2015-15, Use Permit U-2015-14 to allow conversion of an existing residence into a bed and breakfast operation on a parcel located along the western side of Kuamoo Road in Wailua Homesteads, situated within the Wailua Terrace Subdivision and approx. 125 ft. south of the Ohelo Road/Kuamoo Road intersection, further identified as 5663

Ohelo Road, Tax Map Key 4-2-009: 011, and containing a total area of 18,739 sq. ft. = Mohala Ke Ola Management, LLC.

Class IV Zoning Permit Z-IV-2015-21, Use Permit U-2015-20 and Special Permit SP-2015-5 to allow conversion of an existing residence into a homestay operation on a parcel located along the western side of Hailima Road in Lāwaʻi, situated immediately across its intersection with Aka Road, further identified as 3307 D Hailima Road, Tax Map Key 2-6-01: 091, CPR Unit 2, and containing a total area of 67,236 sq. ft. = Michael Levy & Alexis Boilini Trust.

Class IV Zoning Permit Z-IV-2015-22, Use Permit U-2015-21 and Special Management Area Use Permit SMA(U)-2015-8 to allow conversion of an existing residence into a homestay operation on a parcel located along the makai side of Weke Road in Hanalei Town, situated at its intersection with Heʻe Road, further identified as 5404 Weke Road, Tax Map Key 5-5-004: 015, and containing a total area of 6,048 sq. ft. = Parnell H. & Michelle I. Kaiser.

Class IV Zoning Permit Z-IV-2015-23 and Use Permit U-2015-22 to allow conversion of an existing residence into a homestay operation on a parcel located along the eastern side of Kipuka Street in the Weliweli Houselots Subdivision in Poʻipū, situated approx. 150 ft. east of the Muku Place/Kipuka Street intersection, further identified as 1960 Muku Place, Tax Map Key 2-8-024: 020, and containing a total area of 11,174 sq. ft. = Bret K. & Ellen Knopf, Trust.

Class IV Zoning Permit Z-IV-2015-24 and Use Permit U-2015-23 to allow conversion of an existing residence into a homestay operation on a parcel located along the eastern side of Liliʻuokalani Street in Kīlauea, situated at its intersection with Kolo Road, further identified as 2535 Liliʻuokalani Street, Tax Map Key 5-2-011: 038, and containing a total area of 1.956 acres = Nicki Lorayn Pignoli Trust.

Class IV Zoning Permit Z-IV-2015-25 and Use Permit U-2015-24 to allow conversion of an existing residence into a homestay operation on a parcel located along the southern side of Aka Road in Lāwaʻi, situated approx. 450 ft. south of the Kiani Road/Aka Road intersection, further identified as 3265 Huaka Road, Tax Map Key 2-6-013: 046, and containing a total area of 8,751 sq. ft. = Darryl L. Chong/Julie Beth K. Simeona Chong.

Class IV Zoning Permit Z-IV-2015-26, Use Permit U-2015-25 and Special Permit SP-2015-6 to allow conversion of an existing residence into a homestay operation on a parcel located along the eastern side of Kua Road in Lāwaʻi Valley, further identified as 4896 Kua Road, Tax Map Key 2-5-002: 037, and containing a total area of 3.089 acres = William I. & Catherine F. Cowern.

Class IV Zoning Permit Z-IV-2015-27, Use Permit U-2015-26 and Special Permit SP-2015-7 to allow conversion of an existing residence into a homestay operation on a parcel located along the makai side of Kalihiwai Road in Kīlauea, situated approx. ¼-mile north of its intersection with Kūhiō Highway, further identified as 2828 P Kalihiwai Road, Tax Map Key 5-2-010: 031, CPR Unit 2, and affecting an area approx. 3.167 acres of a larger parcel = Steven V. Ruddell/Marlyn W. Ruddell, Trust.

Class IV Zoning Permit Z-IV-2015-28, Use Permit U-2015-27 and Special Permit SP-2015-8 to allow conversion of an existing residence into a homestay operation on a parcel located along the mauka side of Kahilihoho Road in Phase 2 of the Kalihiwai Ridge Subdivision in Kīlauea, situated at the terminus of Kahilihoho Road, further identified as 6241 Kahilihoho Road, Tax Map Key 5-2-022: 014, CPR Unit 2, and affecting an area approx. 3.479 acres of a larger parcel = Susan Gailey Trust/Kim E. Richard Trust.

Class IV Zoning Permit Z-IV-2015-29, Use Permit U-2015-28 and Special Permit SP-2015-9 to allow conversion of an existing residence into a homestay operation on a parcel located along the mauka side of Kōloa Road in Lāwaʻi, situated approx. 500 ft. north of the Mānā Hema Place/Kōloa Road intersection, further identified as 3528 B Mānā Hema Place, Tax Map Key 2-5-005: 080, CPR Unit 1, and affecting an area approx. 1.032 acres of a larger parcel = John R. & Lorna E. Hoff, Trust.

Class IV Zoning Permit Z-IV-2015-30, Use Permit U-2015-29 and Special Permit SP-2015-10 to allow conversion of an existing residence into a homestay operation on a parcel located along the southern side of Kalama Road in Wailua Homesteads, situated approx. 2,000 ft. west of its intersection with Opaekaa Road, further identified as 6471 Kalama Road, Tax Map Key 4-2-002: 026, CPR Unit 2, and affecting an area approx. 3.68 acres of a larger parcel = Samuel A. & Eugenia Caliendo.

Class IV Zoning Permit Z-IV-2015-31 and Use Permit U-2015-30 to allow construction of a farmworker housing unit featuring 2 bedrooms/2 bathrooms and office space on a parcel located along the makai side of Koolau Road in Moloaʻa, situated approx. ½-mile east of its intersection with Kūhiō Highway, further identified as 6020 Koolau Road, Tax Map Key 4-9-009: 012, CPR Unit 43 and affecting an area approx. 2.564 acres of a larger parcel = John & May Outzen.

Chair Anderson: Okay, so going back to Consent Agenda (sic) G, is there any member of the Commission that would like to take an item off of the Consent Agenda (sic) for discussion? We would need two (2) Commission members to do so. And noting that the Consent Agenda (sic) are items that are scheduled for Agency Hearings at the next Commission Hearing, June 23, 2015.

Okay, then do I have a motion to approve the Consent Agenda (sic)?

Mr. Abrams: So moved.

Chair Anderson: Do I have a second?

Ms. Mendonca: Second.

Chair Anderson: All those in favor? (Unanimous voice vote) Any opposed? (None) Motion carries 4:0.

EXECUTIVE SESSION (None)

Mr. Hull: Continuing on. As I previously stated, Agenda Item H, there's no Executive Session scheduled.

GENERAL BUSINESS MATTERS (Continued)

Petition for a Declaratory Order by *Dolphin House Estates LLC* Concerning the Operation of a Transient Vacation Rental Without a Non-Conforming Use Certificate (TMK 5-2-004: 064: 0003) filed on 6/2/15 (Contested Case No. 2015-12).

Mr. Hull: Concerning Agenda Item I, which was previously read onto the record...

Chair Anderson: Okay, we'll take a ten (10) minute recess before coming back to Item I, General Business Matters.

The Commission recessed at 9:10 a.m.

The Commission reconvened at 9:19 a.m.

Chair Anderson: Call this meeting back to order.

Mr. Hull: Madam Chair, concerning Agenda Item I, the Department or the Clerk of the Commission recommends that the Planning Commission order an agency hearing be scheduled at its August 11, 2015 meeting to ensure all affected parties are at the table concerning disposition of this Declaratory Order Petition and to allow for proper procurement to post public notices.

Chair Anderson: Okay. Do I have a motion from the Commission to schedule this as an agency hearing on August 11, 2015?

Mr. Mahoney: Madam Chair, move to...excuse me, could you repeat that? I lost my train of thought.

Chair Anderson: It's...would be a motion in support of scheduling the agency hearing on I.1. for August 11, 2015.

Mr. Mahoney: Madam Chair, move to agency hearing on Agenda Item I to August 15th. 11th, I'm sorry.

Mr. Jung: 2015.

Mr. Mahoney: The 25th?

Mr. Jung: 2015.

Mr. Mahoney: Oh, I'm sorry. I think I messed up (inaudible). (Laughter in background) To August 25th.

Ms. Mendonca: Second.

Mr. Jung: Actually it would be August 11, 2015.

Mr. Mahoney: August 11, 2015.

Chair Anderson: Okay, do I have a second? Okay.

Mr. Mahoney: I apologize.

Chair Anderson: Okay, we have discussion.

Mr. Abrams: I'm not...you're going to need to do some explaining on this because in reading this, it first was an initial incomplete application that was denied, appealed to this Commission and dismissed, then it went to court. Now it's coming back for Contested Case, but yet most of this has to do with the neighbor.

Mr. Jung: Right.

Mr. Abrams: And so I'm wondering why we would interject ourselves in between two (2) neighbors having a discussion about that, other than apparently a permit has been issued, so help me out.

Mr. Jung: Okay, so what this is and this is unusual; this is sort of the first time we're seeing a Dec Action that I've been here regarding...it's actually two (2) CPR Unit owners within the same lot of record where they're having a neighborly dispute. The Dolphin House issue was raised on an appeal; I'm not going to get into details because that's going to come back to the Commission on similar matters on an authorization issue, whether or not they had authorization for the CPR...the co-tenant in the CPR Unit to apply for land use entitlements before the Commission. They were denied the appeal. They were waiting to see what happened with the Farris matter, which is now also on appeal at the appellate courts. So in this case though, the neighbor is wanting to do what appears to be some kind of private right of action against the other neighbor, but they're coming to the Commission for a Dec order first. So the hearing would dispose of all interest, whether it's the neighbor, the co-tenant in the CPR Unit, as well as the Dolphin House and their rights, so the scheduling hearing just brings everyone to the table for disposition; whether you proceed on a hearing or not is going to be up to you folks at the August 11th hearing and at that point you'd probably have briefings and reports to evaluate. But because a Dec Action had actually...was submitted with the Commission, we have to dispose of it. In disposing of it, the first step is scheduling a hearing to bring everything to the table to discuss the matter. So it will be sort of a complex issue when you get to the August 11th hearing, but this is the first step of many steps to follow.

Mr. Abrams: Okay, and I'll hold off with all the other questions...

Mr. Jung: And there is the option to refer it to the hearings officer too, if we get to that point.

Mr. Abrams: Okay.

Chair Anderson: Okay, any further discussion? (None)

All right, there is a motion on the table to schedule this for agency hearing on August 11, 2015.
All those in favor? (Unanimous voice vote) Any opposed? (None) Okay, motion carries 4:0.

COMMUNICATION (For Action) (None)

Mr. Hull: Concerning the next item on the agenda, Item J. There are no communications.

UNFINISHED BUSINESS (For Action)

Mr. Hull: Item K was previously handled. There is no Unfinished Business for Action.

NEW BUSINESS

Class IV Zoning Permit Z-IV-2015-19 and Use Permit U-2015-18 to construct two (2) portable classroom buildings on the Kōloa Elementary School campus, further identified as 3223 Po'ipū Road, Tax Map Key (4) 2-8-010: 011, and affecting a portion of a larger parcel approx. 7.84 acres in size = State of Hawai'i, Department of Education.

Mr. Hull: Agenda Item M, New Business. We have two (2) agenda items. The first being Class IV Zoning Permit Z-IV-2015-19 and Use Permit U-2015-18 to construct two (2) portable classroom buildings on the Kōloa Elementary School campus, further identified as 3223 Po'ipū Road, Tax Map Key 2-8-010: 011, and affecting a portion of a larger parcel approx. 7.84 acres in size. The applicant is the State of Hawai'i, Department of Education and the Planner for this project is Jody.

Chair Anderson: Okay, can we hear from the Planner?

Staff Planner Jody Galinato: Good morning Madam Chair, Commission. I'll make this as short and sweet as I can for you. Both of these applications are very similar in the findings; the only thing that's different really is the project description. So for Kōloa Elementary School, basically what they're trying to do is they're proposing to add two (2) new portable classrooms and the classrooms would be situated entirely within the school's existing campus. The purpose of this action is to provide additional classroom and activity space in order to support the school's current programs and student population growth. According to the 2013-2014 school status and improvement report for Kōloa Elementary School, there were 393 students in grades Preschool

through 5th Grade. The school student population has steadily increased for the past ten (10) years triggering a need for additional classroom space. Each new single-story portable classroom would provide 960 sq. ft. of interior floor space and approx. 15.5 ft. in height; a total of 1,920 sq. ft. of classroom space would be added to the school. A floorplan and elevations are attached. The project site will be cleared and grubbed to accept the new portable classrooms. The area to be graded is approx. 3,350 sq. ft. with a total area of disturbance of approx. 0.28 acres. New wooden walkways and deck will be constructed to connect with existing concrete walkways. All necessary electrical, plumbing, and mechanical improvements will be included in construction of the portables. Access to the school is via an existing one-way access road from Po'ipū Road. In regards to the legal requirements, everything has been met; they have submitted a letter of exemption for Chapter 343 requirements. Regarding the findings, it is in a Special Treatment/Cultural Historic District and that was the trigger for the Use Permit and the Class IV in both of these cases. The school is surrounded by the church, single-family and multi-family residential. It's not located in a flood zone. The first building at Kōloa Elementary School campus was constructed in 1923 and numerous applications for construction and repair have been approved over the years. Portable classrooms have also previously been approved at this site. In regards to our preliminary evaluation, I've supplied that in the report, they are in compliance with the General Plan, with the requirements for the Use Permit, the CZO standards, the Special Treatment standards, and I've included all the agency comments. I'll hold off with the conclusion.

Chair Anderson: Does the Commission have any questions for the Planner? Questions?

Okay, is the applicant here? Okay, if you can please take a seat.

Carolyn Allerdice: Good morning.

Chair Anderson: Good morning. Names for the record?

Ms. Allerdice: My name is Carolyn Allerdice. I'm an architect. My company is Island Pacific Architecture in Honolulu, and we're designing the construction for this project for DOE. With me is Mr. Russ Hasegawa, the Principal for Kōloa Elementary School.

Chair Anderson: Okay.

Ms. Allerdice: Should I speak my testimony now?

Chair Anderson: If you have anything additional that you would like to add to the application or comments on the Planner's report, you can state your comments at this time.

Ms. Allerdice: Okay. We have read the report. We have already complied with quite a few of the items in the conditions. The contract calls for the implementation of all the Best Management Practices, and we have a list...I have supplied some written testimony that has a list attached from our Civil Engineer with all of the things they're doing for BMP. In addition, we've already specified the lights that are safe for the seabirds that are shielded on the exterior of the building. And we just wanted to stress that it's pretty sustainable, that type of architecture

that the use for these portable buildings is meant to be reused over and over, and so that it's never torn down and reconstructed; that way it's quite sustainable. Just in order to be brief, I won't read my entire testimony that I've given to Jody, but we are also preparing to go and get the archaeological monitoring plan that DLNR has requested, and as soon as we have the funds in place we'll be starting that. And then they will monitor the work that's done as far as disturbing the earth.

Chair Anderson: Okay.

Ms. Allerdice: That's about it and Mr. Hasegawa might have some additional comments.

Russ Hasegawa: Madam Chair, members of the Planning Commission, my name is Russ Hasegawa, Principal at Kōloa Elementary School. In 2010, that academic school year, our enrollment was approx. 245 students. At the close of this year, we were at around 375 students; an increase of the growth rate was really 34.6% over the last five (5) years. What has happened on our school campus is basically we have seventeen (17) classrooms and nine (9) portables, and we're over capacity at this point. We have rooms that are being shared by several staff members, and actually one (1) teacher is on the stage in the cafeteria, which is not conducive to learning. So the sense of urgency for me, as a Building Administrator, is to provide a learning environment for our students that is conducive to teaching and learning. So at this point, we're doing the best we can, but we're growing and we need the space. Thank you.

Chair Anderson: Thank you. Okay, is there anything further you'd like to add?

Ms. Allerdice: No, unless someone has any questions for us.

Chair Anderson: Okay. Does the Commission have any questions for the applicants? Seeing none. Does the Planner want to read her recommendations at this time?

Ms. Galinato: Okay. Based on the foregoing conclusion, it is recommended that Class IV Zoning Permit Z-IV-2015-19 and Use Permit U-2015-18 be approved subject to the following conditions.

Do you want me to read all eight (8) conditions that are in your...?

Chair Anderson: Yes, please.

Ms. Galinato: Okay. Number one (1), the portable temporary classroom shall be constructed as represented. Any change to the proposed development or use shall be subject to review by the Planning Director. The Director reserves the right to forward requests to alter or change the proposed development to the Planning Commission should there be any potential design or visual impacts that could not be mitigated, or because of anticipated impacts that may adversely impact the environment or the safety and welfare of the community.

Two (2), in order to minimize adverse impacts on Federally Listed Threatened Species, Newell's Shearwater, and other endangered seabirds, any exterior lighting on the proposed structures shall be shielded and downward facing.

Three (3), the applicant shall implement to the extent possible sustainable building techniques and operational methods for the project such as L.E.E.D. design standards or another comparable state-approved, nationally recognized, and consensus-based guidelines, standard, or system, and strategies, which may include but is not limited to recycling, natural lighting, extensive landscaping, solar panels, low-energy fixtures, low-energy lighting, and other similar methods and techniques. All such proposals shall be reflected on the plans submitted for building permit review.

Four (4), the applicant shall resolve and comply with the applicable standards and requirements set forth by the State Health Department, State Historic Preservation Division-DLNR, and the County Departments of Public Works, Fire, Transportation, and Water.

Five (5), the applicant is advised that should any archaeological or historical resources be discovered during the disturbing/construction work, all work in the area of the archaeological/historical findings shall immediately cease and the applicant shall contact the State Department of Land and Natural Resources – Historic Preservation Division at (808) 692-8015 and the Planning Department at (808) 241-4050.

Number six (6), the applicant shall develop and utilize Best Management Practices during all phases of development in order to minimize erosion, dust, and sedimentation impacts of the project to abutting properties.

Seven (7), the Planning Commission reserves the right to revise, add, or delete conditions of approval in order to address or mitigate unforeseen impacts the project may create, or to revoke the permits through the proper procedures should conditions of approval not be complied with or be violated.

Eight (8), the applicant is advised that additional government agency conditions may be imposed. It shall be the applicant's responsibility to resolve those conditions with the respective agencies.

Chair Anderson: Thank you. Does the Commission have any questions on the recommendations by the Planner?

Okay. And does the applicant agree with the conditions as set forth in the report?

Ms. Allerdice: Yes, we do.

Chair Anderson: Okay. May I have a motion from the Commission on this matter?

Mr. Abrams: Madam Chair, move to approve Class IV Zoning Permit Z-IV-2015-19 and Use Permit U-2015-18.

Chair Anderson: Okay. Do I have a second?

Ms. Mendonca: Second.

Chair Anderson: All those in favor? (Unanimous voice vote) Any opposed? (None) Okay, motion carries 4:0. Thank you.

Ms. Allerdice: Thank you.

Class IV Zoning Permit Z-IV-2015-20 and Use Permit U-2015-19 to facilitate relocation of an existing portable classroom building from an offsite location and allow its installation on the Kekaha Elementary School campus, further identified as 8140 Kekaha Road, Tax Map Key (4) 1-3-002: 001, and affecting a portion of a larger parcel approx. 7.2 acres in size = State of Hawai'i, Department of Education.

Mr. Hull: Next on the agenda we have Class IV Zoning Permit Z-IV-2015-20 and Use Permit U-2015-19 to facilitate relocation of an existing portable classroom building from an offsite location and allow its installation on the Kekaha Elementary School campus, further identified as 8140 Kekaha Road, Tax Map Key 1-3-002: 001, and affecting a portion of a larger parcel approx. 7.2 acres in size. And also the State of Hawai'i, Department of Education is the applicant in this case.

Chair Anderson: And if we can have the report from the Planner.

Ms. Galinato: Okay. This report, like I previously stated, is very similar as far as the criteria. The only difference is the project description. The applicant is proposing to relocate an existing portable classroom currently located at Waimea Canyon Middle School to Kekaha Elementary School. The donor site at Waimea Canyon Middle School will be returned to pre-construction conditions in regards to utilities, grading, and drainage. All above ground utility connections will be removed. Existing water and sewer connections will be cut to a minimum of 12" below grade, and either capped or plugged. The donor construction zone will be graded to drain as per pre-construction patterns, ensuring no ponding areas are created. The demolition zone will be re-grassed to match the surrounding area. All waste materials and organic matter found above or at the original ground level will be removed. An overview of the demolition and restoration plan is presented in Exhibit 6. The receiving site at Kekaha Elementary School will be cleared and grubbed to accept the new portable building. The area to be graded is approx. 719 cubic feet with a total area of disturbance at the receiving site of approx. 0.04 acres. New walkways, deck, ramp and stairs will be constructed to connect with the existing walkway. The relocated building will be repainted in colors to match the Kekaha Elementary School color scheme. All necessary electrical, plumbing and mechanical improvements will be included in the relocation of the portable building. The portable classroom will be located on the east side of the property along Alae Road to the south of Building F. The one-story building is approx., and I've corrected this on the supplement, it will not be 13 by 13, it'll be 29 by 28. The same conditions of approval would apply with this.

Chair Anderson: All right, thank you. And if we can hear from the applicant at this time.

Ms. Allerdice: For the record again, my name is Carolyn Allerdice. And this project, as Jody has said, is very similar to the other one except for the building, which is an existing building already and an older style. It involves very little foundation work, as far as depth. There's no slab on-grade, there's no mass grading. So again, it's a reusable building, so for that reason it's sustainable. Also in this case, the property has historic buildings, but they're far away from the portable site. And the portable itself is quite some distance even from the closest classroom building. So we feel if there were any conflicts there, they'd be not visible really, but the new building will be visible from Alae Road. And again, they are incorporating those same BMP, Best Management Practices, that we discussed on the last school; as well as, the Shearwater birds light fixtures. And a number of other sustainable type things are implemented, but the building is already existing and so we are not taking it apart to put in thicker insulation, but it already has insulation; it's pretty well insulated. It's not air conditioned; we're adding ceiling fans, providing new ceiling fans. So the property is in a flood zone, as Jody mentioned, but the finished floor will be 1 ft. above that. We feel that we're complying with everything, and we're willing to accept the conditions. I'm sorry, I should've mentioned Mr. Dominic Beralas; the Principal at Kekaha Elementary is here with me.

Chair Anderson: Thank you.

Ms. Allerdice: Go ahead.

Dominic Beralas: Hi, good morning Madam Chair and Planning Commission members. I'm Dominic Beralas, Principal at Kekaha Elementary. I just wanted to offer testimony. Likewise to Kōloa Elementary School, we're in a similar situation since 2010 up to the present. Our enrollment has fluctuated from about 351 to about 384 a couple of years ago, and so we're presently at about 359-360. And even with the present condition, or enrollment, we are still operating with less than desirable conditions. We also use our cafeteria. It's a historic building; the stage is very high, pretty wide area, but not conducive for a regular classroom operation. But we have a classroom up there in the stage area of the cafeteria. Also, we do have a classroom that is being used solely as a computer lab, but because of the increasing demands for online monthly assessments with our new common core curriculum, we have had to convert a major portion of our library into a second computer lab. So we are facilitating multiple uses and multiple classrooms coming into the library, into a very crowded, less than desirable condition just to facilitate instruction and again the academic progress for our students. An extra classroom facility would definitely help us alleviate the crowded conditions, so thank you.

Chair Anderson: Does the Commission have any questions for the applicant? Seeing none.

Jody, if you could please read your recommendation.

Ms. Galinato: Based on the following conclusion, it is recommended that Class IV Zoning Permit Z-IV-2015-20 and Use Permit 2015-19 be approved subject to the following conditions. They would be the same conditions I recited previously, and there's eight (8).

Chair Anderson: Okay. Does the Commission have questions for the Planner?

Okay, and the applicant is agreeable to the conditions as set forth in the report?

Ms. Allerdice: Yes, we are.

Chair Anderson: Do I have a motion from the Commission regarding this matter?

Ms. Mendonca: So move to approve.

Chair Anderson: Do I have a second?

Mr. Abrams: Second.

Chair Anderson: Okay, all those in favor? (Unanimous voice vote) Any opposed? (None)
Motion carries 4:0. Thank you, it's approved.

Mr. Hull: Madam Chair, there are no new business items for the agenda.

ANNOUNCEMENTS

Topics for Future Meetings

Mr. Hull: Concerning Announcements, the Department has no further topics for future meetings at this time. If there is any Commission member that has future topics for discussion.

The following scheduled Planning Commission meeting will be held at 9:00 a.m., or shortly thereafter at the Līhu'e Civic Center, Moikeha Building, Meeting Room 2A-2B, 4444 Rice Street, Līhu'e, Kaua'i, Hawai'i 96766 on Tuesday, June 23, 2015.

Mr. Hull: Given that, concerning the next meeting, the following scheduled Planning Commission meeting will be held at 9:00 a.m., or shortly thereafter at Līhu'e Civic Center, Moikeha Building, Meeting Room 2A-2B, 4444 Rice Street, Līhu'e, Kauai on Tuesday, June 23, 2015.

Last and finally, I think it'd be remiss if I didn't acknowledge the fact that today is Ian Jung's last day advising or serving with as legal counsel to the Planning Commission. Ian has been here seven (7) years?

Mr. Jung: Six (6).

Mr. Hull: Six (6) years. In the six (6) years that Ian has been tasked as the Deputy County Attorney for this Commission, we've got to work with Ian and watch where he goes from fairly wet behind the ears concerning land use to six (6) years of doing everything from reestablishing our intake procedures to arguing a case before the Hawai'i Supreme Court. In the breadth of

that, I can easily say that Ian Jung has become inarguably one of the foremost experts in land use here in Hawai'i and he's been an absolute asset to the Department, to the Commission, and to the County. We're going to miss Ian's...when we request legal advice and he waves his hair out of his eye like some type of an Abercrombie and Fitch model and prefaces a 10-15 minute diatribe with well that's the beauty of law, and then launches into a 10-15 minute diatribe which we've all rolled our eyes at. But at the end of the day, those 10-15 minute diatribes have proven invaluable. They've set up kind of the case history, the background and it's an asset that we're going to miss and it's going to be a very large void for the Department. His replacement Jodi Higuchi-Sayegusa, we have absolute faith and confidence in, but we will definitely miss Ian. He has, I can say, made the Department a better department in his time here; he's made me a better Planner. And I think he's leaving as far as a policy advisor land use on Kaua'i and land use throughout the State as a field or as a school if you will, a better field essentially, and so we're sad to see him go. Mike and I threw everything at him to try to keep him around quite frankly, but he is leaving and we are sad to see him go. But with a great amount of pride, we can say to Ian, it has been an absolute privilege and to thank him for his commitment and his service to the County of Kaua'i. So, thank you Ian.

Mr. Jung: Thank you, Kaaina.

Mr. Hull: Beyond that, there are no further agenda items, Madam Chair.

Chair Anderson: And I'll give the floor over to the Commission if you have any departing words for our counsel here.

Ms. Mendonca: I think I'd like to say a few words because if I didn't, Ian would be most disappointed. From the moment that I was accepted into this Commission, Ian has been also my guide and of course kicking me under the table, either to tell me to wake up or get with the program. But I do want to say thank you and I've learned a lot, as like Kaaina said. And you will definitely be missed from my left hand, and I look forward, also, to working with Jodi as I understand you've already given her the heads-up working with me. But thank you, thank you very, very much. I appreciate you and you will be missed. Thank you.

Mr. Jung: Thank you.

Chair Anderson: Okay. Anything further?

Mr. Mahoney: Well, I'd just like to add my two cents in. Sorry Ian, I messed up the motion today with all of your training, but I really appreciate all your help in training and totally appreciate the way you handle yourself. You're never mean-spirited and it's the law. And you prove that and you're not afraid to parry. I learned a tremendous amount and I will continue to. We will all miss you and best of luck in your future endeavors. Thank you.

Mr. Jung: Thanks.

Mr. Abrams: Well I'm mad. (Laughter in background) You can't go. That's one of the reasons why I got on this Commission and said I would do this was because you were going to be here.

But you're not going too far down the street so you know, try to do your explanations and we'll...maybe Planning can help schedule him being here for one thing or the other so we could talk to him some. But really in my involvement with community matters and everything else, and dealing with County Deputy Attorneys with Planning and everything else, you are far above everything else I have seen, so good luck. I'm sure you're not going to need it. By the way, thank your wife for putting up with us and the County for letting you do what you had to do because I'm sure that wasn't easy either, so I hope you'll enjoy your kids and you know private sector for a little bit here, and maybe you'll be back.

Mr. Jung: I do want to thank all of you, as well as the Department. It was a pleasure working for the County for six (6) years. And just as you folks have learned from me, I have learned a multitude of stuff, not only from the Department and all the Planners that have been Planners for years before my involvement, but also from the Commissioners from bringing a unique perspective and making me double take on okay what angle you're going at, okay I understand now, but just use this law and how you play in it. So, just as much as you folks have learned from me, I've learned from you folks as well, so thank you as well.


Chair Anderson: Okay, and I'll close. It's definitely been a privilege and a pleasure. I wish you the best of luck in your future endeavors.

Mr. Jung: Thank you.

ADJOURNMENT

Chair Anderson adjourned the meeting at 9:49 a.m.

Respectfully submitted by:



Darcie Agaran,
Commission Support Clerk

() Approved as circulated (add date of meeting approval)

() Approved as amended. See minutes of _____ meeting.